

AMENDED

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATEDDate of filing in State Engineer's Office JUL 18 2003Returned to applicant for correction AUG 13 2003Corrected application filed AUG 26 2003Map filed AUG 26 2003

The applicant **The Gayle J. Sommer Trust** make application for permission to change the
Place of Use of a portion of water heretofore appropriated under **A portion of permit no. 49398**

1. The source of water is **Truckee River & Carson River**
2. The amount of water to be changed **8.05 ac ft**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **as decreed**
5. The water is to be diverted at the following point **Lahontan Dam located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T.19N., R.26E., M.D.B.&M.**
6. The existing permitted point of diversion is located within **No change**
7. Proposed place of use **NW $\frac{1}{4}$ NE $\frac{1}{4}$ (.80 ac.) and SW $\frac{1}{4}$ NE $\frac{1}{4}$ (1.50 ac.) of Section 30, T.19N., R.28E., M.D.B.&M. a total of 2.30 ac., also references Truckee Carson Irrigation District Serial No. 573-1**
8. Existing place of use **NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, T.19N., R.28E., M.D.B.&M. A total of 2.30 ac., from a portion of permit no. 49398, also references Truckee Carson Irrigation District Serial No. 538-B**
9. Use will be from **as decreed.**
10. Use was permitted from **as decreed.**
11. Description of proposed works **dams, canals & ditches**
12. Estimated cost of works **complete**
13. Estimated time required to construct works **complete**
14. Estimated time required to complete the application of water to beneficial use **3 years**
15. Remarks:

By **Barry A. Fitzpatrick S.W.R.S. #817**
s/Barry A. Fitzpatrick Agent
178 S. Maine Street
Fallon, Nevada 89406

Compared cmf/sam ag/sam

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use of a portion of the waters of the Truckee and Carson Rivers as set forth under a portion of Permit 49398 which changed the place of use of a portion of the Newlands Reclamation Project rights in the Truckee and Carson River final decrees is issued subject to the terms and conditions imposed in said decrees and with the understanding that no other rights on the source will be affected by the change proposed herein.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 8.05 acre-feet as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before:

N/A

Proof of completion of work shall be filed on or before:

N/A

Water must be placed to beneficial use on or before:

August 25, 2007

Proof of the application of water to beneficial use shall be filed on or before:

September 25, 2007

Map in support of proof of beneficial use shall be filed on or before:

September 25, 2007

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 25th day of August, A.D. 2004


State Engineer

Completion of work filed JUN 25 1998 under 62742

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____

Issued _____